

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:	<input type="text" value="14-Sep-07"/>	APPL. S. N:	<input type="text" value="10761087"/>
To Examiner:	<input type="text" value="NEYZARI, ALI"/>	Art Unit	<input type="text" value="2655"/>
From	<input type="text" value="Logan, Rugenia"/> PARALEGAL SPCEIALIST	Return This Memo To: Case Drop-Off Location	<input type="text" value="JEF-2D68"/>

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,


please Initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
  - ☐ The person who signed the T.D.:
    - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
    - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:
  - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: \_\_\_\_\_

<b>Application Number</b> 	<b>Application/Control No.</b> 10/761,087	<b>Applicant(s)/Patent under Reexamination</b> LILLAND ET AL.	

<b>Document Code - DISQ</b>	<b>Internal Document – DO NOT MAIL</b>
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<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : September 4, 2007	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named  
Inventor :

Kevin R. Lillard et al.

Serial No : 10/761,087

Filed : January 20, 2004

For : DISC ERROR CHECKING SENSOR FOR  
PRINTERS AND DUPLICATORS

Docket No.: P31.12-0034


Group Art Unit: 2627

Examiner: Ali Neyzari

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION (37 CFR § 1.321(c))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER  
IS BEING SENT BY U.S. MAIL, FIRST  
CLASS, TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA,  
VA 22313-1450, THIS

31 DAY OF August  
2007  
  
PATENT ATTORNEY

Sir:

**Interest of Person Making This Disclaimer**

I, Nickolas E. Westman, represent that

- ☐ an inventor of this invention.
- ☐ an assignee of this invention.
- ☐ a representative authorized to sign on behalf of the assignee of this invention.
- ☒ an attorney of record for this application.

**Disclaimer**

Primera Technology, Inc., the owner of 100% interest in the above-identified application, hereby disclaims the term of any patent granted on the above-identified application subsequent to

- ☒ the full term of United States Patent No. 7,061,515 as presently

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shortened by any terminal disclaimer,

and hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with

[X] United States Patent No. 7,061,515.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

[X] United States Patent No. 7,061,515, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

**Fee Status**

(37 CFR § 1.20(d))

[] other than a small entity \$130.00

[X] small entity status of this application under 37 CFR §§ 1.9 and 1.27 is established by a verified statement \$65.00

**Fee Payment**

[X] Attached is a charge authorization form in the sum of \$65.00.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

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NEW:rkp